CHILD ABUSE REDRESS POLICY

Introduction

The protection of children and young persons is the responsibility of everyone who works at Melbourne Girls Grammar (MGGS). We all share responsibility for promoting the wellbeing and safety of children.

MGGS has zero tolerance for child abuse and is committed to acting in the best interests of children and to keep them safe at all times.

MGGS wishes to provide a process for redress and support for persons who are survivors of child abuse that occurred while they were attending MGGS or were under its care.

Purpose

The purpose of this policy is to:

- provide a direct personal and supportive response for survivors of child sexual abuse
- provide equal access and equal treatment for survivors
- offer, assess and provide redress with appropriate regard to what is known about the nature and impact of child sexual abuse and to the cultural needs of survivors and of particularly vulnerable survivors.

Scope

This policy offers a direct personal and supportive response to those who are survivors of child sexual abuse that occurred while they were attending MGGS or were under its care.

Guiding principles

MGGS seeks to provide a direct personal and supportive response to survivors and facilitate as best as it can such form of response that is desired by a survivor in accordance with the following guiding principles:

- re-engagement between MGGS and the survivor if and to the extent that the survivor desires it
- survivors should have a clear understanding of what MGGS is willing to offer and provide to them by way of its direct personal response
- MGGS will accept and acknowledge the survivor’s choice of representative or support person to engage with the School
- applications for redress will be handled confidentially and as promptly as the circumstances permit
- MGGS will seek to avoid unnecessarily adversarial responses to claims.
Responsibilities

The Principal will be responsible for receiving applications under this policy and for ensuring that the applicant is treated respectfully and in a way that minimises potential re-traumatisation.

The contact details of the Principal are:

Mrs Catherine Misson
Principal
Melbourne Girls Grammar
86 Anderson Street
South Yarra  Vic  3141

Telephone: +61 3 9862 9200

The School Council will be advised of allegations of child sexual abuse that are received by the Principal and of any applications for redress.

Fulfilling the roles and responsibilities contained in this policy does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse.

Eligibility for redress

A person will be eligible to apply to MGGS for redress if he or she suffered child sexual abuse within the MGGS school environment:

- while the person was a student of the School
- in an institutional context; or
- in circumstances where MGGS is, or should be treated as, being responsible for the adult abuser having contact with the person.

Application for redress

An application for redress may be made by writing confidentially to the Principal or by initiating contact with the Principal by telephone or in person.

MGGS will require an applicant for redress to verify their account of abuse by statutory declaration. The School will then determine whether it requires additional material or evidence and additional procedures to investigate the allegations and determine the validity of an application. In considering the application for redress, the School will apply the standard of proof of “reasonable likelihood”.

The School will make a decision on a claim based on the application as soon as it is reasonably able. The School may need to seek its own legal advice and medical reports and may request the applicant to undertake an assessment with an independent medical practitioner. However, any response of the School or offer of redress will be subject to the approval of the School Council and may also be subject to and conditional upon the consent or direction of the School's insurer and other third parties who may have an interest in the outcome of an application.
The School will also be open to attending in good faith a confidential settlement conference with the applicant and his or her support person or adviser for the purpose of attempting to resolve the claim. The School will also give favourable consideration to the appointment of a conference convenor as nominated by the applicant.

In appropriate cases MGGS will make an offer of redress to the applicant. If an offer of redress is made the School will keep the offer open for acceptance for a reasonable period of time to enable the applicant to fully consider the offer, to seek his or her own advice and to appreciate the consequences of accepting an offer.

An offer of redress may include any of the following:
- an acknowledgement
- an apology
- a monetary payment
- the opportunity to meet with senior school representatives and receive an acknowledgment of the impact of abuse on them
- assurance that MGGS is committed to preventing further abuse of children who are currently attending our school
- funding for counselling and psychological care services as needed by the applicant for his or her future care needs.

If the offer of redress includes a monetary payment, it will be for such amount as the School reasonably believes gives tangible recognition of the seriousness of the hurt and injury suffered by the applicant.

As a condition of making any monetary payment to the applicant, MGGS will require the applicant to release the school from any further liability for child sexual abuse by executing a deed of release. If the applicant is not represented by a lawyer, MGGS will fund, at a fixed price, a legal consultation for the applicant before he or she decides whether or not to accept the offer of redress and to execute the required releases.

In any offer of redress, MGGS will not require the applicant to agree to confidentiality obligations as a condition of resolving any claim, but the School will nevertheless maintain confidentiality of any settlement reached with the applicant.

**Interaction with others**

MGGS may be required to have interaction with others, such as the alleged abuser, the Victoria Police and other regulatory organisations such as the Department of Human Services and the Victorian Institute of Teaching.

The School's role will not be to make any "finding" that any alleged abuser was involved in any abuse. However, the School will have to investigate and consider the merits of any application for redress.

MGGS may not be able to finalise its consideration of an application until and unless it has advised the alleged abuser of the allegations and given him or her an opportunity to respond. The School will inform the applicant if it considers it necessary for the alleged abuser to be contacted for this purpose and will seek the applicant's consent for this to be done. The School may not be able to resolve an application if consent is not given for the alleged abuser to be contacted.
Further, MGGS may defer considering an application for redress if:

- it is undertaking internal disciplinary processes in respect of the abuse that it considers necessary to complete before considering the application
- to permit it to comply with any legal requirements, including to report or disclose the abuse, including to mandatory reporting agencies
- it is requested by Victoria police to defer its investigation or, if not to do so would compromise any investigation or inquiry of the Victoria Police or other law enforcement agency.

MGGS will co-operate with any reasonable requirements of the Victoria Police in terms of information sharing, subject to satisfying any privacy and consent requirements of the applicant.

MGGS will also report any allegations to the Victoria Police if it has reason to believe that there may be a current risk to children.

The applicant will also be encouraged to seek advice about reporting his or her allegations directly to the Victoria police or to discuss their options directly with the police. MGGS will provide such assistance to the applicant as he or she may request in relation to making such a report. However, if the applicant does not consent to the allegations being reported to the police then MGGS may decide to make a "blind report", which is a report to the police that names the alleged abuser but does not disclose the identity of the applicant.

**Record keeping**

All documentation and evidence received and collated by MGGS in relation to an allegation of child sexual abuse or an application for redress will be securely stored in files under the supervision of the Principal.

The Principal will also make a confidential record of the following information:

- the date when the School is first advised of the allegation of child sexual abuse
- the name of the person making the allegations
- details of the allegations of child sexual abuse including the identity of the alleged abuser/s and other persons involved (such as witnesses)
- a note of the procedures followed by the School in considering an application and the relevant time frames
- the outcome of an application for redress.

In certain cases the School's records and communications may be subject to legal professional privilege and therefore not subject to disclosure to others.

All personal information collected, held and stored by MGGS will be managed in accordance with the *Privacy Act 1988* (Cth) and the *Australian Privacy Principles* (APPs).
## Definitions

| **Survivor** | A survivor of child abuse will be an individual who was under the age of 18 years and a student enrolled at MGGS or who was under its care and is eligible under this policy to make an application for redress. |
| **Child abuse** | Child abuse includes-<br> (a) any act committed against a child involving a sexual offence or the offence of grooming;<br> (b) the infliction, on a child, of physical violence, or serious emotional or psychological harm; and<br> (c) serious neglect of a child. |
| **Child safety** | Child safety encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse. |
| **Institutional context** | Child abuse may have occurred in an institutional context in the following circumstances:<br> (a) it happens in the school environment or in connection with the activities of MGGS<br> (b) the abuse was perpetrated by an official of MGGS in circumstances where MGGS has, or its activities have, created, facilitated, increased or in any way contributed to the risk of abuse or the circumstances or conditions giving rise to that risk. |
| **School environment** | The MGGS school environment is any physical or virtual place that was made available or authorised by MGGS for use by a child during or outside school hours, and includes:<br> (a) our Morris Hall Campus in Caroline Street, South Yarra<br> (b) our Merton Hall Campus, ELC and Boarding House facilities in Anderson Street, South Yarra<br> (c) online school environments including email and intranet systems<br> (d) other locations provided by MGGS for a child's use, including locations used for school camps, sporting events, excursions, competitions and other events. |
IMPLEMENTATION AND REVIEW

The school community will be informed about this policy. It will be publicly available. It will be available on the School's website and communicated in the School's newsletters.

Our school community will also be informed of MGGS's commitment to child safety.

This policy will be reviewed annually or more often as circumstances require.

References:

MGGS Child Safety Policy
Child Safe Standards – Ministerial Order No. 870 dated 22 December 2015
Education Training and Reform Act 2006 (Vic)
Children, Youth and Families Act 2005 (Vic)
Privacy Act 1988 (Cth)
Crimes Act 1958 (Vic)
Redress and Civil Litigation Report, Royal Commission into Institutional Responses to Child Sexual Abuse, 2015.